

REMARKS

Applicants wish to thank Examiner Befumo for the interview on August 19, 2003. As agreed in the interview, Applicants have ensured that all independent claims state that the bond site has an aspect ratio of greater than about 3. Additionally, a declaration showing the criticality of the aspect ratio is included.

Claim 15 has been amended to include a Markush group of the suitable third materials. Support for the amendment is found on page 13, lines 3 – 7 and in the table on page 23. Claims 16, 17, and 18 have been canceled.

Claims 19, 22, and 23 have been amended to remove the requirements that the webs are extensible.

New claim 31 has been added. This claim contains limitations on the width and length of the bond site. Support for the amendment can be found on page 16, lines 32-36.

Claims 10-15, 19-27, and 31 are pending in the present application. No additional claims fee is believed to be due.

Drawings

Applicants are submitting amended drawings showing proposed drawing corrections to Fig. 9. The changes made to Fig. 9 and the amendments to the specification correct the objections stated by the Examiner in paragraphs 4, 5, and 6.

Obviousness Double Patenting

Claims 10-19 have been provisionally rejected under the doctrine of obviousness-type double patenting over Claims 1, 2-7, and 20 of copending Application SN 09/553,641. Claim 19 has been provisionally rejected under the doctrine of obviousness-type double patenting over Claim 20 of copending Application SN 09/553,871.

Enclosed is a terminal disclaimer submitted in response to the obviousness-type double patenting rejection of Claims 10-19 over Application SN 09/553,641 and of Claim 19 over Application SN 09/553,871.

Rejection Under 35 USC 103

The Office Action states that Claims 10-14, 19-23, and 26 have been rejected under 35 USC 103(a) as being unpatentable over Srinivasan, et al. (U.S. Patent No. 5,851,935). Claims 19-23 and 26 have been rejected under 35 USC 103(a) as being unpatentable over Palumbo (WO Page 9 of 11

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96/10979). Claims 19-23 and 26 have been rejected under 35 USC 103(a) as being unpatentable over Kielpikowski, et al. (U.S. Patent No. 4,842,596). As discussed with the Examiner, none of the above cited references discloses an aspect ratio of greater than about 3. As stated and shown in the attached declaration, the aspect ratio is critical to the claimed laminate web. With an aspect ratio of one, as disclosed in the prior art, the resulting laminate web does not form apertures of similar shape and size that are located at the bond sites. Apertures are only formed randomly and are some times only partially formed. When the aspect ratio of the bond sites is greater than about 3, the apertures are consistently and uniformly formed at the bond sites. This is shown by the Applicant in the attached declaration.

Although the Examiner did not site McCormack et al. (US patent 5,964,742) in this case, McCormack et al. was cited in co-pending applications. As discussed with the Examiner, McCormack et al. does not teach the use of a bond sites with an aspect ratio greater than 3 for a laminate such as the present invention. McCormack et al. states that the novel S-weave pattern may be used to self-bond fabrics and should be distinguished from patterns made to laminate materials together which are significantly different (column 11, lines 1-3).

The attached declaration and remarks have shown that the claimed aspect ratio critically changes the structure of the laminate and that the laminate with an aspect ratio of greater than 3 is patentably distinct from the prior art articles. The claimed aspect ratio is critical to the function of the article and is not taught or disclosed in the prior art. Therefore, one having ordinary skill in the art would not have been motivated to develop the present invention based on the prior art.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing,

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Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 10-15, 19-27, and 31.

Respectfully submitted,
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